

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA OF
NORTHERN DIVISION

LARRY D. TYUS,)
Plaintiff,)
v.) CASE NO. 2:05-cv-50-F
HUBBELL POWER SYSTEMS, INC.,) WO
Defendant.)

ORDER

After an independent review of the file, it is the ORDER, JUDGMENT and DECREE of the court that:

(1) The plaintiff's objection (Doc. #17) to the Recommendation of the Magistrate Judge (Doc. #16) filed on May 16, 2005 is overruled;

(2) The Recommendation of the Magistrate Judge entered on May 3, 2005 is adopted;

(3) That defendant Hubbell Power Systems, Inc.'s Motion to Dismiss or, in the Alternative, for Summary Judgment is GRANTED to the extent that it seeks summary judgment and that this action is DISMISSED with prejudice.

DONE this 6th day of June, 2005.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE